

The Hall, 2nd Floor, Memorial Hall Library, 2 N. Main Street, Elm Square, Andover

Present were: Brown (Chair); Magenheim (Clerk); Boness & Bargnesi, Members; and Oltman (Associate Member).

The meeting opened at 8:27 p.m.

Petition No.: 4053

Premises affected: 94 Woburn St

Petitioner: ACT

Susan Stott, Executive Director of Andover Community Trust (ACT), gave an overview of the project as well as a summary of ACT's mission: 1 affordable 3-bedroom single family dwelling that will not meet the minimum side yard depth requirements on a lot with insufficient frontage in the Single Residence C district. [Brown announced that this hearing was continued from September at the petitioner's request.] Stott informed the Board that ACT has built 6 affordable single family homes in Andover, constructed in cooperation with the Greater Lawrence Technical School students. The neighborhood where the current proposal is located is one of mixed house styles. They have spoken to the neighbors to answer questions & address concerns. She noted that the lot where the house is proposed was created in Land Court in 1971.

John Pearson, architect & ACT President, reviewed the site plan: the house is sited towards the front of the trapezoidal shaped lot to be compatible with the neighborhood. Relief requested is from lot size, setbacks & frontage. The lot slopes steeply towards the rear & is heavily wooded. The roof is designed with an east-west ridge to make the south side available for future solar panels. The house design is 'accessible' and is the same as 98 Andover Street: 2 story, 3-bedroom cottage style with lower roof / not a full 2nd story high, rear deck (slab on grade). There will be 1600 sf of living space with a full basement with bulkhead. In response to the neighbors on the left, a privacy fence will be installed at the garage/driveway portion of the lot. Brown asked that the fence be added to the plans. Magenheim asked about the accessibility of the house. Pearson noted that it is not a handicap accessible house, as it would require a bedroom & full bath on the 1st floor. The Board discussed the front setback compared to the abutters' homes, noting a divide in the neighborhood with some houses being larger & setback further, while other houses are smaller & closer to the street. The Board asked about wetlands towards the rear of the lot. Pearson is unaware of any & they have not consulted Conservation Commission. Bill McLeod, project engineer, stated that the wetlands at the rear are over 100' away. Brown asked for a letter from Conservation Department confirming that no waivers are required. McLeod emphasized that no waivers are requested. The Board asked for Conservation to formalize that no waivers are required. Pearson agreed to contact the Conservation Dept. Boness asked McLeod about the contours & whether the grades will be modified. McLeod will submit a final site plan including the sewer connection prior to the Health Division prior to the issuance of a building permit. He pointed out that they will stay away from the slope & clear only level area for the house. While the slope is steeper than 15%, no waiver from the slope requirement is required because the house is not within the WPOD.

Stott gave an overview of the houses that have been built by ACT, as well as the selection process for the owners. Stott pointed out that the marketing plan is included in the packet submitted to the Board, as well as the list of waivers (frontage, area & side setbacks only). Brown commented that the project is essentially the same as the ACT homes on North Street & Cheever Circle. The house will connect to Town sewer & water.

Ronald Fee, 92 Woburn St., voiced concern with idling cars under his bedroom window & asked for a condition that they idle for no more than 5 minutes, during & after construction, and for the garage to be square on the lot. Pearson explained that the garage is intentionally rotated to maintain a 15' side setback. Brown noted that it is possible to shorten the breezeway in order to square the garage & maintain the 15'. The Board discussed the breezeway helping define & privatize the back yard. Mr. Fee confirmed that his concern is with the side setback. Pearson suggested that they can discuss with the Fee's how far back the fence will start, adding that there are no windows on the side of the garage to minimize intrusion into the abutter's privacy. Brown voiced doubt that a condition on idling vehicles is legally within the Board's jurisdiction, but a fence can mitigate that concern. Mr. Fee agreed that as long as the fence is included in the decision, he is ok. Stott assured the Board that they will discuss the length of the fence with the Fee's in order to protect everyone's privacy.

Brown asked for a memo from the IDR. Stott explained that ACT continues to own the land via a ground lease and that they can add language to discourage idling vehicles. Brown stated that the public hearing will be kept open in order to draft the decision and address the concerns raised this evening. Magenheim made a motion to continue the hearing to November 7, 2013. Oltman seconded the motion & the Board voted (5-0) to continue the hearing.

Petition No.: 405

Premises affected: 75 Essex St

Petitioner: First Integrity Mortgage

No one was present to represent the petition. Brown suggested continuing the hearing to November & if no one shows then, the Board can deny it. Bargnesi made a motion to continue the hearing to November 7, 2013. Magenheim seconded the motion & the Board voted (5-0) to continue to 11/7/13.

Petition No.: 4055

Premises affected: 278 N. Main St

Petitioner: First Church of Christ, Scientist

Paula Preller, Executive Board Member of the church, presented the request for a variance to erect a 6'x2' double sided replacement sign that will have 5" letters in order to maximize visibility & safety. The existing sign is old & weathered and blocked by a tree & lamp post. The proposed sign will extend 2' above the existing hedge. The overall sign height will be 6-7'. The existing sign is 2'x3' and approx. 5' high. There will be external illumination on a timer. When the church is open past 9 pm, the illumination will remain lit until closing. There was one question from the public whether the sign would obstruct the driveway view. It will not. Boness made a motion to waive the site view & close the public hearing. Oltman seconded the motion & the Board voted (5-0). The Board then proceeded to deliberate. Brown stated the requested variance is for the height & area of the proposed sign. He noted the topography of the land (proximity of the hedge to the street, the stone wall & grade being above street level) as the hardship. The proposed sign will aid in improving safety & visibility. Brown made a motion to grant a variance from Art. VIII, Section 5.2.8 to allow the proposed sign to be installed in conformance with the location depicted on the plans submitted & that the lettering may be changed so long as the shape & dimensions do not change. Boness added a condition that the maximum height of the sign may not exceed 7' from grade at the base of the sign. Boness seconded the motion with the aforementioned conditions and the Board voted (5-0) to approve the variance with conditions. Oltman will write the decision.

Petition No.: 4056

Premises affected: 78 Cheever Circle

Petitioner: Giguere

Philip & Martha Giguere represented themselves & their request for a special permit under Section 3.1.3.F.4 to create a family dwelling unit within their existing single family dwelling. The unit in what is now a 900 sf family room & will include one bedroom, a kitchenette/living room & a bathroom to be occupied by one person; his mother-in-law. There is an existing egress into the main house, garage & exterior. Brown informed the Mr. & Mrs. Giguere that the special permit is valid for a maximum of 5 years but can be renewed by the ZBA upon application. Once the intended occupant no longer (Patricia King) resides in the unit, it must be dismantled. There was a question from an unidentified female member of the public about preventing the house from becoming a 2 family. Brown explained that the restrictions in the decision are enforced by the Inspector of Buildings. An unidentified male member of the public asked if a new owner would need their own special permit. Brown confirmed that they would. Bargnesi made a motion to waive a site view & to close the public hearing. Oltman seconded the motion & the Board voted (5-0) to waive the view & close the hearing. The Board then proceeded to deliberate. Magenheim

made a motion to grant a special permit under 3.1.3.F.4 to create a family dwelling unit within the existing single family home with the standard conditions (5 yr max & dismantled when resident no longer occupies the unit). Oltman seconded the motion & the Board voted (5-0) to grant the special permit with conditions. Brown will write the decision.

Petition No.: 4057

Premises affected: 2 Allen St

Petitioner: Bedrosian

Sandra Lynn Bedrosian represented herself in her request for a variance from Art. VIII, Section 4.1.2 &/or for a special permit under 3.3.5 to construct a porch addition that will not meet the minimum front or rear setback requirements. She explained that her friend/builder, Jordan Cammarata, who was also present, started the addition & they received a Stop Work Order from the Building Inspector. The exiting side porch & steps are dilapidated. They propose to extend the porch 6' to be in line with the existing steps. Mrs. Bedrosian explained that her house is on a corner lot fronting Allen St. with frontage along Sherbourne / Corbett St. She pointed out that Allen Street is a dead end with only 2 houses on it, the other house being that of Mrs. Romano, her aunt. The addition will improve access to the side/back yard due to a sloping yard. Bedrosian read a letter from Mrs. Romano, 4 Allen St, in support of the porch addition. Brown asked if Allen Street is public or private. The Town plows the street, but does not pave it. Bedrosian submitted pictures to the Board depicting her house as well as #4 noting its closer proximity to the street. #2 was constructed in approximately 1867 with a 1970's addition. Jason Bukowski, Middle St. abutter, voiced his opposition due to the proximity of the addition to the street & concern over future street acceptance. Mr. Cammoratta stated that the addition is 26' from the street. The Board discussed the mortgage inspection plan depicting an 8'x15' covered porch, but the existing is 3 ½' x 15'. Camarrata informed the Board that the stairs will be converted to a ramp at the back of the house. Magenheim made a motion to waive a site view & close the public hearing. Bargnesi seconded the motion & the Board voted (5-0) to waive the site view & close the public hearing. The Board then proceeded to deliberate. Brown noted the similarity of this case to those on Foster's Pond's private roads where the house were built prior to the bylaw. He is inclined to grant relief for the porch due to the house being a pre-existing non-conforming structure as to setbacks on a long skinny lot and the extension will not create any new non-conformities. He noted the lack of dimensions on the plans. Boness asked for a certified plot plan in order for the Board to accurately grant relief with dimensions. Bargnesi & Oltman agreed. Brown suggested continuing to 11/7 in order for Mrs. Bedrosian to submit a certified plot plan. Magenheim made a motion to continue the hearing to 11/7. Boness seconded the motion & the Board voted (5-0) to continue the hearing to 11/7.

Petition No.:

Premises affected: 0 Lowell St, 0 Greenwood Rd

Petitioner: AA@RG

This is not a public hearing. Attorney Kathryn Morin was present on behalf of the petitioner to ask the Board to approve the conveyance and easement documents that were a condition of the comprehensive permit issued April 2010. Chair Brown explained that this is standard procedure and all of the forms have been reviewed by Town Counsel. Bargnesi made a motion to approve that the form of the:

- Open Space Deed for lot 2 and the conveyance of Greenwood Road Easement Rights,
- BMP easement,
- 303 Lowell Street Easement, and
- Restriction on Greenwood Road Easement rights,

submitted on behalf of AA@RG, LLC pursuant to the Comprehensive Permit for 0 Lowell Street and 0 Greenwood Road (ZBA Decision Number 3956), specifically referenced in sections numbered

- D.2(o) and E.2(a),
- D.2(p),
- D.2(q), and
- D.1(d)

respectively and also referenced elsewhere in the Comprehensive Permit, and approved as to form by Town Counsel as indicated in correspondence to the Board from Attorney Carol McGravey of Urbelis & Fieldsteel, LLP dated September 27, 2013, be approved as to form and accepted by this Board thereby meeting all the ZBA and Town Counsel approval requirements regarding those documents contained in the Comprehensive Permit. The only change being the date of the letter to September 26, 2013. Magenheim seconded the motion and the Board voted (5-0) to accept the documents.

Approval of Minutes

8/2/12 – no changes were made to the draft minutes. Boness made a motion to approve the minutes of 8/2/12. Brown seconded the motion & the Board voted (5-0) to approve the minutes of 8/2/12.

4/4/13 – Brown made corrections & submitted them to Administrative Secretary Burke. Bargnesi made a motion to approve the minutes of 4/4/13 with the changes made by Brown. Magenheim seconded the motion & the Board voted (5-0) to approve the minutes of 4/4/12 with Brown's changes.

5/2/13 - Brown made corrections & submitted them to Administrative Secretary Burke. Bargnesi made a motion to approve the minutes of 5/2/13 with the changes made by Brown. Boness seconded the motion & the Board voted (5-0) to approve the minutes of 5/2/12 with Brown's changes.

6/6/13 - Brown made corrections & submitted them to Administrative Secretary Burke. Bargnesi made a motion to approve the minutes of 6/6/13 with the changes made by Brown. Boness seconded the motion & the Board voted (5-0) to approve the minutes of 6/6/12 with Brown's changes.

Discussion Item

Brown informed the Board that a Notice of Project Change was filed by Taylor Cove & that the Board must meet within 20 days of receipt of the letter to determine whether or not the requested change(s) is/are substantial.

There being no other business of the Board, Bargnesi made a motion to adjourn the meeting. Oltman seconded the motion & the Board voted unanimously (5-0) to adjourn the meeting at 10:45 p.m.